



McLEOD & MOYNE, P.C.  
2190 Commons Parkway  
Okemos, Michigan 48864

In re Application of  
Joseph DiCesare et al  
Application No. 09/887,703  
Filed: March 29, 2001  
Attorney Docket No. 03141-P0349A

~~In re Application of  
Joseph DiCesare et al  
Application No. 09/645,977  
Filed: March 29, 2001  
Attorney Docket No. 03141-P0349A~~

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OFFICE OF PETITIONS

DECISION MERGING FILES

This is in response to the "Request to Merge Pending Patent Applications" filed September 3, 2002, which is being treated as a petition requesting that the file of application No. 09/645,977 be merged into the file of application No. 09/887,703 and that any duplicate fees be refunded.

The petition is granted.

On January 29, 2002 petitioners filed a 37 CFR 1.10(e) petition requesting that duplicate application papers accompanying the petition be accorded a filing date of March 29, 2001 (the date corresponding original application papers were filed). The January 29, 2002 petition is an additional copy of the original petition deposited in the mail on October 26, 2001 according to its 37 CFR 1.8 certificate of mailing. The certificate of mailing date (October 26, 2001) is during a period when the Office was being affected by USPS mail delays. See Processing of, and Requirements for, the Filing of Duplicate Applications and Papers in Patent Applications in view of USPS Mail Delays; Notice, 1254 Off. Gaz. Pat. Office 92 (January 15, 2002).

On February 6, 2002 the original petition under 37 CFR 1.10(e) with the October 26, 2001 certificate of mailing was received in the Office after a delay in the mail.

On March 7, 2002, a Decision referencing the duplicate petition was mailed according a March 29, 2001 filing date to the duplicate application papers supplied on January 29, 2002, and indicating 09/887,703 as the application number for those papers.

On May 2, 2002 a Decision referencing the later-received original petition was mailed which granted the same request under 37 CFR 1.10(e) previously granted on March 7, 2002. As a result, the May 2, 2002 Decision assigned application number 09/645,977 to duplicate application papers identical to those already contained in the file of application No. 09/887,703.

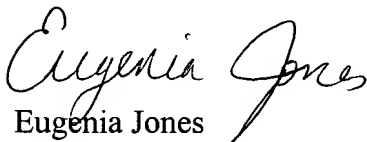
As requested, the papers present in the file of application No. 09/645,977 will be merged into the file of application No. 09/887,703. All fees relating to application No. 09/645,977 are being credited to counsel's deposit account no. 13-0610.

Receipt is acknowledged in application No. 09/887,703 of the December 23, 2002 new power of attorney by the assignee of the entire interest and revocation of the previous power of attorney.

The applications are being forwarded to the Office of Initial Patent Examination for merging the file of application No. 09/645,977 into the file of application No. 09/887,703. The merged application No. 09/887,703 will maintain the presently accorded filing date of March 29, 2001. In addition, the correspondence address in merged application No. 09/887,703 will be changed in accordance with the new power of attorney filed on December 23, 2002. Application No. 09/645,977 will no longer be an active application number.

Application No. 09/887,703 will then be forwarded to the Technology Center 1743 for examination in due course.

Any inquiries related to this decision should be directed to Legal Advisor James Engel at (703) 308-5106.



Eugenia Jones  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

JJE